IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 1897 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 08/11/2004 in WP NO : 20464 OF 2004 on the file of the High Court.)

Between:

Noor-Ur-Rehman, S/o. Late Dr. Shahnawaz,
R/o. 11-5-129, Red Hills, Nampally, Hyderabad.

..... APPELLANT

AND

1. The Municipal Corporation of Hyderabad Rep by its Commissioner, Lower Tank Bund, Hyderabad.

2. The Assistant Commissioner, Municipal Corporation of Hyderabad Circle No. 4, Khairatabad, Hyderabad.

3. Smt. Ch. Bhanumathi, W/o. Late Ch Sheshalam,
R/o. 208, Sai Krupa Apartments, 5-5-212/5 Patel Nagar, Nampally, Hyderabad.

4. Ch. V. Venugopal, S/o. Ch. Seshalam,
R/o. 208, Sai Krupa Apartments, 5-5-212/5 Patel Nagar, Nampally, Hyderabad.

5. Ch Ravi Sriramana, S/o. Late Ch Seshalam,
R/o. 208, Sai Krupa Apartments, 5-5-212/5 Patel Nagar, Nampally, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant:MR.S.NIRANJAN REDDY
Counsel for the Respondent Nos.1 and 2: MR.RAMA RAO GANTA
Counsel for the Respondent Nos.3 to 5: None appeared

The Court made the following:

ORAL ORDER: (per the Hon'ble the Chief Justice)

Order passed by learned single Judge dismissing the writ petition at admission stage itself is under challenge.

Learned single Judge declined to entertain the writ petition on the ground that order prayed for in the writ petition, if granted, would have the effect of directing respondents 1 and 2 to disobey the order of status quo granted by Civil Court. Admittedly, in the Civil Court, the petitioner is not a party and in the writ petition, the petitioner-appellant is seeking direction against respondents 1 and 2 to enforce the law. It has also been brought to our notice by the learned counsel for the petitioner-appellant that there is no status quo order in existence as on today and even if there was such an order, nothing prevented the writ court in issuing appropriate directions against the Municipal Corporation that on vacation of the status quo order, it must take appropriate action in accordance with law against the offending parties. In this view of the matter, the order of the learned single Judge declining to entertain the writ petition deserves to be set aside.

Writ Appeal is accordingly allowed and the impugned order is set aside with direction that the writ petition will be heard and decided in accordance with law. Writ petition to be posted before the learned single Judge on **13-12-2004**.

_____

DEVINDER GUPTA, CJ

6-12-2004

_____

M.NARAYANA REDDY, J

tvr